



Attorney Docket No. 100647/3016  
1754

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

May, et al.

Group Art Unit: 1754

Serial No.:

09/783,173

Examiner: Hendrikson, S.

Filed:

February 14, 2001

For:

**METHOD AND CATALYSTS FOR THE  
MANUFACTURE OF CARBON FIBRILS**

|  |  |
|--|--|
| <b>CERTIFICATE OF MAILING</b>  |  |
| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on: |  |
| Date: January 11, 2002   |  |
| Signature:   |  |
| Phyllis Hirshorn<br>Kramer Levin Naftalis & Frankel LLP  |  |

Assistant Commissioner for Patents  
Washington, DC 20231

RECEIVED  
FEB 20 2002  
TC 1700

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In response to the Office Action of December 28, 2001, Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-21, 24-27, 30-32, 35-39, 42-44 and 47-51, drawn to a catalyst and method of making, classified in class 502, subclass 355+.

II. Claims 22, 23, 28, 29, 33, 34, 40, 41, 45, 46 and 52-71, drawn to a fibril containing material and methods of making, classified in class 423, subclass 447.2+.

Applicants provisionally elect, with traverse, the Group I claims, namely Claims 1-21, 24-27, 30-32, 35-39, 42-44 and 47-51 drawn to a catalyst and method of making, for prosecution on the merits.

Applicants further submit, as part of Applicants' election between the two Groups proffered by the Examiner, that claims 62-67, which are directed to a catalyst, should be elected and placed with the claims in Group I and not Group II.

It is respectfully requested that the restriction requirement be favorably reconsidered and withdrawn. In view of the fact that the present claims are all related to the same subject matter, it is submitted that a search of the prior art when examining the elected claims of Group I would, at the same time, result in a search of the prior art when examining the remaining claims of Group II. It would seem, then, that to require the filing of a separate divisional application directed to the Group II claims would result in the very same search being repeated, but at a later date. It is submitted that this duplicate search would be quite inefficient to the operation of the Patent and Trademark Office.

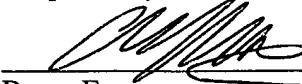
Therefore, since a single search can be performed for all Groups of claims without any significant burden on the Patent Office, it is respectfully requested that the restriction requirement be withdrawn.

The Examiner is invited to telephone the undersigned regarding this Response or about any other issue.

The one month time for filing a Response is January 28, 2002. Hence, this Response is timely filed and an early and favorable action on the merits is earnestly solicited.

Dated: January 11, 2002

Respectfully submitted,

  
Barry Evans  
Reg. No. 22,802  
Albert B. Chen  
Reg. No. 41,667  
Attorney for Applicant  
KRAMER LEVIN NAFTALIS & FRANKEL LLP  
919 Third Avenue  
New York, New York 10022  
(212) 715-9100 Tel  
(212) 715 8000 Fax